



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

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5 March 2014

By email to Jennifer.Burgess@legis.ga.gov

Wayne R. Allen, Esq.
Office of Legislative Counsel
State Capitol Building, Room 316
Atlanta GA 30334-1140

RE **Georgia Department of Public Health**
Proposed Revisions to Chapter 511-5-8 of the Georgia Rules & Regulations
“Screening of Public School Children for Scoliosis”

Dear Mr. Allen:

I have enclosed a copy of our “Notice of Proposed Rulemaking” and the proposed rules as revised. I would greatly appreciate it if you would forward copies to the presiding officers of the House and Senate as provided by O.C.G.A. Section 50-13-4(e).

As always, please let me know if you have any questions or concerns.

With best regards, I am

Yours very truly,


Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.

5 March 2014

NOTICE OF PROPOSED RULEMAKING

“Screening of Public School Children for Scoliosis”

Revisions to Regulation Chapter 511-5-8

Please take note that the Department of Public Health proposes to revise the administrative regulations currently codified as Chapter 511-5-8 (“Screening of Public School Children for Scoliosis”), pursuant to its authority under O.C.G.A. Sections 31-2A-4(12) and 31-2A-6. The proposed revised regulation is attached.

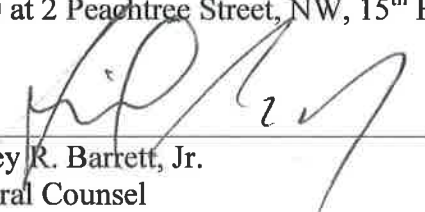
These proposed revisions were initially published in November 2013 and have been revised in response to public comments. The changes made to the earlier proposal are: clarification that each child will be screened only one time (girls during seventh grade, boys during eighth grade); expanding the school district’s discretion to have screenings conducted by outside organizations, including the county health department; and limiting the school district’s responsibility upon learning of a negative screening to notifying the parents and urging them to take further action.

The principal differences between this proposal and the current regulations are: the local school authority will have responsibility to ensure that screening takes place, though it is expected that public health departments will continue to assist; the Adams Forward Bend Test is specified as the screening method to be used; reporting by school authorities is scaled back to aggregate reports and retention of student-specific results will no longer be required.

Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr.
General Counsel
Georgia Department of Public Health
2 Peachtree Street, NW, 15th Floor
Atlanta GA 30303

Comment may also be presented in person at a public meeting scheduled for 1:30 p.m., 2 April 2014, in room 9-260 at 2 Peachtree Street, NW, 15th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



**RULES
OF
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-5-8
SCREENING OF PUBLIC SCHOOL CHILDREN FOR SCOLIOSIS**

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511-5-8-.01 Definitions.

(a) "Adams Forward Bend Test" means the technique used to determine the presence or absence of an abnormality of the spine, by observing the person being screened from the front, rear, and side while the person is bending over.

(b) "At Risk Children" means children between the ages of 10 and 15.

(c) "Certified Scoliosis Screening Instructor" means a licensed healthcare practitioner who has been certified by the Georgia Department of Public Health after successfully completing the Department's approved Instructor Training Course in Scoliosis Screening. A Certified Scoliosis Screening Instructor may train and certify other persons to conduct screenings.

(b) "Department" means the Georgia Department of Public Health.

(c) "School Authority" means a county or municipal board of education.

(e) "Scoliosis" means a physical condition characterized by a curvature of the spine resembling an S-curve or C-curve.

(f) "Screener" means a person who is certified by a Certified Scoliosis Screening Instructor to perform the actual scoliosis screening. A screener must either receive training to perform scoliosis screening from a Certified Scoliosis Screening Instructor, or document completion of a Scoliosis Screening Training within the past five years and demonstrate competence to a Certified Scoliosis Screening Instructor.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.02 Screening Required For At Risk Children.

- (1) A public school system shall ensure that each enrolled at risk child is screened at least once, except those children whose parents or legal guardians object in writing to such screening.
- (2) Screenings shall be conducted at least once a year for seventh grade girls and eighth grade boys.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.03 Notice To Parents and Guardians and Objections.

- (1) The school authority shall send written notice of an upcoming screening to each child's parents or legal guardians at least two weeks prior to the dates on which screening is to occur.
- (2) If the child's parents or legal guardians object to the screening, then they must notify the school authority in writing within five days after receiving the screening notification.
- (3) The school authority shall maintain a list of the children's names for whom parents or guardians have filed a written objection, and shall file the objection in the school health records.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.04 Screening Process.

- (1) Screeners shall use the Adams Forward Bend Test to screen children for scoliosis.
- (2) School authorities may, at their discretion, use school nurses, school staff, or volunteers to perform scoliosis screenings, or may arrange for screenings to be conducted by outside organizations, including the county health department. All persons conducting screenings must have a scoliosis screening certification from a Certified Scoliosis Screening Instructor.
- (3) If their child is identified during the screening process as having a possible spinal deformity, then the school authority shall notify the parents or guardians, and recommend that they take the child for a follow up evaluation by a physician or local health department.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.05 Records and Reports.

The school authority shall report the following information annually to the Georgia Department of Education:

- (1) Total number of enrolled at risk children;
- (2) Total number of students screened; and
- (3) Total number of students recommended for further evaluation.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.